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7 BINNY LUTHER,  
8 Plaintiff,  
9 v.  
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11 NAVISITE, INC.,  
12 Defendant.  
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14 Case No. [5:13-cv-05757 EJD](#)  
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16 **ORDER TO SHOW CAUSE**

17 On April 22, 2014, the court issued a Case Management Order which scheduled this action  
18 for a Preliminary Pretrial Conference on November 21, 2014, and required the parties, *inter alia*, to  
19 contact the ADR Unit within 10 days and to file a Joint Preliminary Pretrial Conference Statement  
20 on or before November 12, 2014. See Docket Item No. 14. It does not appear the parties  
21 complied with the instruction to contact the ADR Unit. In addition, the parties have not filed a  
22 timely Joint Preliminary Pretrial Conference Statement.

23 Accordingly, the court hereby issues an order to show cause why this action should not be  
24 dismissed for failure to prosecute or for failure to comply with a court order. If Plaintiff does not,  
25 by **November 24, 2014**, demonstrate good cause in writing why this case should not be dismissed,  
26 the court will dismiss the action with prejudice pursuant to Federal Rule of Civil Procedure 41(b).  
No hearing will be held on the order to show cause unless otherwise ordered by the court.

27 In light of this order, the Preliminary Pretrial Conference scheduled for November 21,  
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1 2014, is VACATED and will be reset, if necessary, upon resolution of the issue discussed herein.

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**IT IS SO ORDERED.**

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Dated: November 17, 2014

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EDWARD J. DAVILA  
United States District Judge

United States District Court  
Northern District of California